

In the Court of Appeals of the State of Alaska

Ronald Dean Sackett,
Appellant,

v.

State of Alaska,
Appellee.

Trial Court Case No. **3KN-10-01858CR**

Court of Appeals No. **A-13716**

Order

Motion to Remand Appeal to Trial
Court

Date of Order: **2/3/2021**

Attorney Elizabeth Friedman, representing the Appellant, Ronald Dean Sackett, has filed a motion requesting that this Court remand this case to the superior court with directions that the superior court make a decision on the merits of Mr. Sackett's motion to correct an illegal sentence.

Among other things, Ms. Friedman essentially contends without a decision on the motion's merits, the issue on appeal is basically limited to whether the superior court committed procedural error by dismissing Mr. Sackett's motion. Because of this, Ms. Friedman asserts that if Mr. Sackett prevails in this appeal, he will not receive the relief he desires, and will still have to litigate in the superior court his motion on the merits. Ms. Friedman argues that remanding this case at this time for a decision on the merits of the underlying motion to correct an illegal sentence will prevent the waste of judicial and administrative resources.

The State opposes, arguing that Mr. Sackett's claims in this appeal cannot properly be resolved with an Appellate Rule 503 motion. Among other things, this procedure does not allow the State an opportunity to properly address and to brief for this Court the issues Mr. Sackett has raised.

Sackett v. State - p. 2
File No. A-13716
February 3, 2021

After reviewing the parties' pleadings, and the various superior court orders in the appellate file, the Court concludes that this appeal is not a candidate for summary reversal and remand without the benefit of briefing. For this reason, the motion to remand this case with directions that the superior court make a decision on the merits of Mr. Sackett's request to correct an illegal sentence is **DENIED**.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Carly Williams, Deputy Clerk

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